

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, APRIL 28, 2003
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:11 p.m. The meeting was recessed by Mayor Murphy at 3:16 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:23 p.m. with all members present. The meeting was recessed at 4:16 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:22 p.m. with all members present. The meeting was recess at 5:23 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:27 p.m. with Council Member Maienschein not present. Mayor Murphy adjourned the meeting at 5:54 p.m. to meet in Closed Session at 9:00 a.m. on Tuesday, April 29, 2003, in the twelfth floor conference room to discuss existing and anticipated litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour/Lane (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor David Fenska of the Covenant Presbyterian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Assistant City Attorney Leslie Devaney.

FILE LOCATION: MINUTES

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

3/17/2003
3/18/2003
3/24/2003
3/25/2003
3/25/2003 Special Joint

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:13 p.m. - 2:13 p.m.)

MOTION BY MADAFFER TO APPROVE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Marcia McLatchy Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1210) ADOPTED AS RESOLUTION R-297884

Commending Marcia McLatchy for her 29 years of dedicated service to the City and wishing her well during her much-deserved retirement;

Proclaiming April 28, 2003, to be "Marcia McLatchy Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:35 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: Ralph Stewart Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1239) ADOPTED AS RESOLUTION R-297885

Honoring Ralph Stewart for his outstanding contributions and service to the
people of San Diego;

Proclaiming April 28, 2003 to be "Ralph Stewart Day" in the City of San Diego.

SUPPORTING INFORMATION:

Ralph Stewart was recently awarded a Distinguished Service Leadership Award for his work with the RB Neighborhood Watch/Emergency Preparedness. He volunteers at the Rancho Peñasquitos Police Substation where he writes up the details on all crimes that occur in the area. He heads up the Emergency Preparedness Program for the Seven Oaks Community.

Maienschein

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:36 p.m. - 2:39 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Frye. Passed by the following
vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-33: Paul Thomas Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1186) ADOPTED AS RESOLUTION R-297886

Recognizing Paul Thomas and proclaiming April 28, 2003 to be "Paul Thomas Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:40 p.m. 2:45 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-50: Three actions related to Non-Exclusive Solid Waste Collection Franchises.

(Citywide.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinances in Subitems A and B and adopt the resolution in Subitem C:

Subitem-A: (O-2003-137) INTRODUCED WITH AMENDMENTS, TO BE
ADOPTED MONDAY, MAY 20, 2003

Introduction of an Ordinance amending Chapter 6, Article 6, Division 1, of the San Diego Municipal Code by amending Sections 66.0102, 66.0113, 66.0119, and 66.0123, relating to Solid Waste Collection Franchises.

Subitem-B: (O-2003-138) INTRODUCED WITH AMENDMENTS, TO BE
ADOPTED MONDAY, MAY 20, 2003

Introduction of an Ordinance authorizing the City Manager to execute amendments to the Class I Solid Waste Franchise Agreements with the Class I Franchisees and to execute New Class II Solid Waste Franchise Agreements with the Class II Franchisees.

NOTE: 6 votes required for Subitems A and B pursuant to Section 103 of the City Charter.

Subitem-C: (R-2003-1179)

ADOPTED AS AMENDED AS
RESOLUTION R-297887

Increasing the franchise fee, effective April 1, 2003, for Class I franchisees of the City's Non-Exclusive Solid Waste Management Franchise system by \$1 per ton to \$11 per ton and the franchise fee for Class II franchisees of the City's Non-Exclusive Solid Waste Management Franchise system by \$1 to \$12 per ton;

Declaring that the City's franchise application process shall remain closed and the City shall not award additional Non-Exclusive Solid Waste Management Franchises at this time;

Amending the City of San Diego Fee Schedule and Regulations for the Miramar Landfill, adopted by Resolution R-296671 on June 17, 2002, and set forth in Attachment 1 to City Manager Report No. 02-141, by increasing the Standard Disposal Fee for both General Refuse and Construction and Demolition waste generated within the City by \$1 per ton to \$28 per ton and by increasing the Standard Disposal Fee for General Refuse and Construction and Demolition waste generated outside the City by \$3 per ton to \$34 per ton, both effective May 1, 2003.

FILE LOCATION: Subitems A & B: NONE; Subitem C: MEET

COUNCIL ACTION: (Time duration: 4:23 p.m. - 5:21 p.m.)

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCES AND ADOPT THE RESOLUTION AS AMENDED AS:

- 1) AMEND THE MUNICIPAL CODE SECTION 66.0113 TO ESTABLISH A TEN-YEAR MAXIMUM TERM FOR CLASS I FRANCHISES AND CLASS II FRANCHISES;

- 2) AUTHORIZE THE CITY MANAGER TO AMEND AND EXTEND THE CURRENT CLASS I FRANCHISE AGREEMENTS TO FULL TEN-YEAR TERMS AND PROVIDE FOR RENEWALS EVERY FIVE YEARS SIMILAR TO THE CLASS II FRANCHISES;
- 3) AMEND MUNICIPAL CODE SECTION 66.0119 TO AUTHORIZE THE CONVERSION OF A CLASS I FRANCHISE TO A CLASS II FRANCHISE;
- 4) AUTHORIZE THE CITY MANAGER TO EXECUTE NEW CLASS II FRANCHISE AGREEMENTS WITH EDCO DISPOSAL CORPORATION, PACIFIC WASTE SERVICES, WASTE MANAGEMENT OF SAN DIEGO AND THEIR AFFILIATES FOR TEN-YEAR TERMS;
- 5) INCREASE THE FRANCHISE FEE BY \$1 PER TON EFFECTIVE JULY 1, 2003;
- 6) AMEND THE MUNICIPAL CODE SECTION 66.0123 TO INCREASE BONDING REQUIREMENTS FOR CLASS I AND CLASS II FRANCHISES;
- 7) TO NOT OPEN THE FRANCHISE APPLICATION PROCESS OR ISSUE ADDITIONAL NON-EXCLUSIVE SOLID WASTE COLLECTION FRANCHISES AT THIS TIME;
- 8) AMEND THE MIRAMAR LANDFILL DISPOSAL FEE SCHEDULE TO INCREASE THE STANDARD DISPOSAL FEE FOR GENERAL REFUSE AND CONSTRUCTION AND DEMOLITION WASTE BY \$1 PER TON FOR CITY WASTE AND \$3 PER TON FOR NON-CITY WASTE EFFECTIVE MAY 1, 2003.

ACCEPT COUNCIL MEMBER FRYE'S RECOMMENDATION TO REFER THE MATTER OF LIMITING FRANCHISES TO THE NR&C COMMITTEE, FOR DISCUSSION, AS AN INFORMATIONAL ITEM AND A STATUS REPORT FROM THE ENVIRONMENTAL SERVICES DEPARTMENT

Second by Mayor Murphy. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-100: Two actions related to Inviting Bids and Award of Contract for Mission Trails Regional Park East Fortuna Equestrian Staging Area.

(Mission Trails Regional Park Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1044 Cor. Copy) ADOPTED AS RESOLUTION R-297888

Approving the plans and specifications for the construction of the Mission Trails Regional Park Equestrian Staging Area Project (Project) on Work Order No. 201013;

Authorizing the City Auditor and Comptroller to appropriate \$575,000 from MTRP (Antenna) Fund, Fund No. 10580, to CIP-20-101.3, Mission Trails Regional Park - East Fortuna Equestrian Staging Area;

Authorizing the City Manager to accept grant proceeds of \$985,000 and donations of \$265,000 from the Mission Trails Foundation and directing the Auditor and Comptroller to establish a special interest bearing Fund No. 38322, Mission Trails Regional Park Grant and donation, to deposit the proceeds;

Authorizing and directing, in accordance with the Fiscal Year 2003 Appropriation Ordinance, the City Auditor and Comptroller to amend the Capital Improvement Program (CIP) Budget to increase CIP-20-101.3, Mission Trails Regional Park - East Fortuna Equestrian Staging Area, by the amount of \$1,825,000, of which \$1,250,000 is from Fund No. 38322, Mission Trails Regional Park Grant and Donation, and \$575,000 is from Fund No. 10580, MTRP (Antenna) Fund;

Authorizing the expenditure of an amount not to exceed \$1,825,000 from CIP-20-101.3, Mission Trails Regional Park - East Fortuna Equestrian Staging Area, for the purpose of the construction of Mission Trails Regional Park East Fortuna Equestrian Staging Area Project, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing, after advertising for bids in accordance with the law, the City Manager to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon: a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; and b) the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2003-1045) ADOPTED AS RESOLUTION R-297889

Certifying that the information contained in the final Mitigated Negative Declaration document, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of Mission Trails Regional Park East Fortuna Equestrian Staging Area project;

Directing the City Clerk to file a Notice of Determination.

CITY MANAGER SUPPORTING INFORMATION:

The Mission Trails Regional Park - East Fortuna Equestrian Staging Area project is located in the northeastern portion of the park and accessed by Mast Boulevard. The project construction for this 12 acre site will provide a multi-use staging area to improve access to the existing park trail system. The proposed improvements include a parking lot for equestrian users, a 49-space parking lot for other vehicles, picnic areas, minimal security lighting and an internal loop access road.

FISCAL IMPACT:

\$675,000 has been previously authorized for this project. \$520,000 of these funds have been utilized for preliminary engineering, project design and completion of construction drawings.

Additional funding for the construction contract and related costs in the amount of \$1,825,000 are available from Fund No. 38322 Mission Trails Regional Park Grant and Donation (\$1,250,000) and from Fund No. 10580, MTRP (Antenna) Fund (\$575,000).

Previously Authorized\$	675,000
<u>Amount of Increase</u>	<u>\$1,825,000</u>
Total amount	\$2,500,000

Herring/Oppenheim/RS

Aud. Cert. 2300904.

FILE LOCATION: Subitems A & B: W.O. 201013

COUNCIL ACTION: (Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Consultant Agreement - Nobel Athletic Area and Library.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1209) ADOPTED AS RESOLUTION R-297890

Authorizing the City Manager to execute an agreement with Platt/Whitelaw Architects, Inc., for professional services for the Nobel Athletic Area and Library; and

Authorizing the City Auditor and Comptroller to expend \$319,142 from CIP-35-098.0, North University Community Branch Library, North University City FBA, Fund No. 79001;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Agreement with Platt/Whitelaw Architects, Inc. will provide the professional services required for the preparation of bridging documents and construction support services for Nobel Athletic Area and Library. This 30 acre park is located in the northeast corner of Nobel Drive and Shoreline Drive, in the community of University City. The proposed improvements include a 15,000-square foot library, 10,000 squared foot recreation center, site grading, storm water drainage systems, utilities, multi-use sports fields, parking lots, children's play areas, picnic areas, dog off-leash area, pre-engineered comfort station, security and ball field lighting, pedestrian walkways, ADA ramps, fencing, monument signs, landscaping, irrigation systems, public art, and other amenities desired by the community.

In June 2000, Council approved a consultant agreement with ONA, Inc. to prepare the General Development (GDP) Plan for Nobel Athletic Area and Library. Platt/Whitelaw Architects, Inc. the architectural subconsultant to ONA. Inc., provided the preliminary design for the library and recreation center portion of the GDP. The GDP is in its last stages of completion, and it has been decided to use design-build (DB) project delivery process to construct the project. However, ONA, Inc., a Landscape Architecture Firm, has no expertise in design build projects, and is not suited to provide the professional services required for this phase of the project. Platt/Whitelaw Architects, Inc. has experience in the design build process and is intimately familiar with the project. Therefore, it would be beneficial to the City to retain Platt/Whitelaw Architects, as the lead consultant, rather than to select a new consultant to prepare the bridging documents and provide construction support for the project.

FISCAL IMPACT:

The agreement allows for a base fee of \$219,142 for specified scope and \$100,000 for construction support services. Funds in the amount of \$319,142 are available in CIP-35-098.0, North University City Community Branch Library, North University City FBA, Fund No. 79001.

Loveland/Belock/AO

Aud. Cert. 2301088.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: Contract Change Order #1 - Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide Group S-7.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1212) CONTINUED TO TUESDAY, MAY 20, 2003

Approving Change Order No. 1 dated February 25, 2003, issued in connection with the contract between the City of San Diego and American Asphalt South, Inc., for Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide Group S-7; and approving the change reducing the total contract amount by \$922,936.70 (from \$2,616,380 to \$1,693,443.30).

CITY MANAGER SUPPORTING INFORMATION:

On October 21, 2002, the City Council authorized the City Manager to execute a contract extension option with American Asphalt South Inc., for Rubberized Emulsion Aggregate Slurry Coating of Various Streets City Wide Group S-7 in the amount of \$2,616,380. On December 10, 2002, the City was notified of the Governor's mid-year spending reduction plan which included the "elimination of second, third, and fourth quarter FY 2002-2003 apportionments to local agencies for street and road maintenance", (AB 2928 funding). Accordingly, funding from the Street Division Operating Fund for this project will be reduced from \$2,616,380 to \$1,693,443.30.

Contract Change Order #1 reduces the amount of the contract by \$922,936.70 and the number of miles of slurry sealing is reduced from 105 miles to approximately 68 miles. A revised list of the streets to be slurry sealed is being prepared and will be distributed to the Council Members.

FISCAL IMPACT:

Funds for this project, \$1,693,443.30, are available from Street Division Operating Fund 10440.

Loveland/Gonzalez/MMW

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:55 p.m. - 2:55 p.m.)

MOTION BY LEWIS TO CONTINUE ITEMS 102 AND 103 TO MAY 20, 2003, AT THE REQUEST OF THE CITY MANAGER, TO IDENTIFY EXACTLY HOW MUCH MONEY WE HAVE RECEIVED AND HOW MUCH WE CAN CARRY FROM FISCAL YEAR 2003 POTENTIALLY INTO FISCAL YEAR 2004 TO DO SOME OF THE WORK THAT WE DID NOT DO IN FISCAL YEAR 2003. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-103: Contract Change Order No. 2 - Resurfacing Various Streets Citywide Group R-6.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1227) CONTINUED TO TUESDAY, MAY 20, 2003

Approving Change Order No. 2, dated February 19, 2003, issued in connection with the contract between the City of San Diego and Superior Ready Mix Concrete dab SRM Contracting and Paving, for Resurfacing of Various City Streets Citywide Group R-6 (Bid-K02240C), and approving the change therein set forth, reducing the total contract amount by \$1,000,000 (from \$4,336,102.93 to \$3,336,102.93).

CITY MANAGER SUPPORTING INFORMATION:

On October 21, 2002, the City Council authorized the City Manager to execute a contract extension option with Superior Ready Mix Concrete, dba SRM Contracting and Paving for the

Resurfacing of Various Streets Citywide Group R-6 in the amount of \$4,273,750. Contract Change Order #1, approved by the City Manager, increased the original contract by \$62,352.93 to include MWWD funded resurfacing work associated with a sewer project. This brought the contract total to \$4,336,102.93. On December 10, 2002, the City was notified of the Governor's mid-year spending reduction plan which included the "elimination of second, third, and fourth quarter FY 2002-2003 apportionments to local agencies for street and road maintenance," (AB 2928 funding). Accordingly, Street Division Operating Funds for this project will be reduced from \$3,660,650 to \$2,660,650.

Contract Change Order No. 2 reduces the amount of the contract by \$1,000,000 to \$3,336,102.93, and the number of miles of resurfacing from 26 miles to approximately 21.5 miles. A revised list of the streets to be resurfaced is being prepared and will be distributed to the Council Members prior to the hearing of this item.

FISCAL IMPACT:

Funds for this project are available as follows; \$2,660.650 from Street Division Operating Fund 10440, \$500,000 from Fund 30300/CIP 59-001.0, Annual Allocation to be funded by TransNet Fund 30300, \$70,200 from Sewer Revenue Fund 41506, and \$42,900 from Water Department Fund 41500 for a total of \$3,273,750.

Loveland/Gonzalez/MMW

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:55 p.m. - 2:55 p.m.)

MOTION BY LEWIS TO CONTINUE ITEMS 102 AND 103 TO MAY 20, 2003, AT THE REQUEST OF THE CITY MANAGER, TO IDENTIFY EXACTLY HOW MUCH MONEY WE HAVE RECEIVED AND HOW MUCH WE CAN CARRY FROM FISCAL YEAR 2003 POTENTIALLY INTO FISCAL YEAR 2004 TO DO SOME OF THE WORK THAT WE DID NOT DO IN FISCAL YEAR 2003. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-104: Inviting Bids and Award of Contract for the Construction of Memorial Community Park - Skateboard Park.

(Southeastern San Diego/Memorial Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1124)

ADOPTED AS RESOLUTION R-297893

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Memorial Community Park - Skateboard Park;

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$165,777 from CIP-20-013.0, Park and Recreation Grant Match Funding, to CIP-29-515.0, Memorial Community Park - Skateboard Park, for the purpose of providing funds for the Project;

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$100,000 from CIP-29-458.0, State Route 252 Corridor Park, Fund 41205, EDCO Community Enhancement Funds, to CIP-29-515.0, Memorial Community Park - Skateboard Park;

Authorizing the City Auditor and Comptroller to appropriate \$80,000 from EDCO Community Enhancement Funds, Fund 41205, to CIP-29-515.0, Memorial Community Park - Skateboard Park;

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$45,000 from CIP-29-505.0, Otay Valley Athletic Complex from Park Bond Per Capita Fund 38193, 2000 Park Bond, to CIP-29-515.0, Memorial Community Park - Skateboard Park;

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$140,000 from DIF, Fund 79511, to CIP-29-515.0, Memorial Community Park - Skateboard Park;

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$80,000 from Park Bond Per Capita Fund 38181, 2000 Park Bond, to CIP-29-515.0, Memorial Community Park - Skateboard Park;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Fiscal Year 2003 Appropriation Ordinance, to amend the Capital Improvement Program [CIP] Budget to increase CIP-29-515.0, Memorial Community Park - Skateboard Park by the amount of \$610,777;

Authorizing the expenditure of an amount not to exceed \$610,777 from CIP-29-515.0, Memorial Community Park - Skateboard Park, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager, after advertising for bids in accordance with the law, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; and (b) the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K03663)

CITY MANAGER SUPPORTING INFORMATION:

The project is located on the northwest corner of 30th Street & Marcy Avenue. The Memorial Community Park -Skate Park proposes to construct a 24,000 square foot skateboard park with landscaping, a pre-fabricated office and a walkway. The design of the project was presented to the Subcommittee for the Removal of Architectural Barriers (SCRAB Committee) on June 13, 2002, and was approved. Based on consultant cost estimate, additional funds are needed to complete the total project.

In March 2000, California voters passed the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 which allocates funding to the City of San Diego on a per capita basis. The Memorial Community Park -Skate Park project was designated by Council

District 8 for funding from their portion of the 2000 State Park Bond Roberti-Z'berg-Harris Per Capita funding.

FISCAL IMPACT:

The estimated cost for this project is \$1,410,777. Funds currently available in CIP-29-515.0, Memorial Community Park -Skateboard Park are \$800,000. With this action additional funds will be transferred into the project from CIP-29-458.0, Fund 41205 (\$100,000 funded by EDCO); CIP-20-013.0, Fund 630221, Park and Recreation Grant Matching Fund, (\$165,777), Park Bond Per Capita Fund 38181 (\$80,000 funded by 2000 Park Bond), EDCO Community Enhancement Funds, Fund 41205 (\$80,000), CIP-29-505.0, Otay Valley Athletic Complex, 2000 Park Bond (\$45,000), and DIF Fund 79511 (\$140,000). The Memorial Community Park -Skate Park project CIP-29-515.0 will be increased by a total of \$610,777.

Loveland/Belock/AO

Aud. Cert. 2301069.

FILE LOCATION: W.O. 295150

COUNCIL ACTION: (Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Additional Funding for Sewer Pump Station 45 - Rehabilitation Project.

(See memorandum from Frank Belock, Jr. dated 2/26/2003. La Jolla and University City Community Areas. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-1196) ADOPTED AS RESOLUTION R-297894

Authorizing an additional expenditure of an amount not to exceed \$446,817, of which an amount not to exceed \$417,770 is from Sewer Fund 41506, CIP-46-601.6, Sewer Pump Station 45 - Rehabilitation, and an amount not to exceed \$29,047 is from Sewer Fund 41506, CIP-46-193.0, Annual Allocation - Sewer Pooled Contingency, for the purpose of providing funds for the construction and related costs for Sewer Pump Station 45 - Rehabilitation [Project], provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing an additional expenditure of an amount not to exceed \$200,000 from CIP-46-601.6, Sewer Pump Station 45 - Rehabilitation, for the purpose of providing funds for the acquisition of property rights and related costs necessary for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2003-1197)

ADOPTED AS RESOLUTION R-297895

Stating for the record that the information contained in the final Mitigated Negative Declaration, LDR-40-0840 including any comments received during the public review process, has been previously reviewed and considered by the Hearing Officer of the City of San Diego, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the construction of the Project;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

CITY MANAGER'S SUPPORTING INFORMATION:

Sewer Pump Station 45 is located on an existing easement at 9888 Salk Institute in the La Jolla and University City community areas. This project has been presented to the communities after each milestone of design and has been approved by both. Servicing the area since 1957, the pump station has reached its useful life and needs to be upgraded to current City standards. The scope of work includes demolishing existing SPS 28, SPS 29, and SPS 45; construction of a new SPS 45; replacing 2,500 feet of vitrified clay gravity sewer; and 5,460 feet of cast iron force main with 3,646 feet of new gravity sewer; and 12,260 feet of new force mains.

The advertising of this project was approved by the City Council on October 21, 2002. Nine (9) bid packages were received and opened on November 7, 2002. The low bidder was TC Construction, however, they withdrew their bid. Don Kelly Construction, Inc., was the next lowest bidder with a bidding amount of \$10,830,760, which is 2.76% higher than the engineer's estimate of \$10,540,279.

Council action is requested to provide additional funding of \$646,817 from CIP-46-601.6, Sewer Pump Station 45 -Rehabilitation. The additional funds requested cover additional construction, engineering, and property related costs.

FISCAL IMPACT:

The total cost of this project is \$14,396,511. Funding of \$13,749,694 was previously authorized by Council Resolution R-291242, R-294535, and R-297200. This action is authorizing an additional expenditure of \$617,770 from Sewer Fund 41506, CIP-46-601.6, Sewer Pump Station 45 -Rehabilitation, and \$29,047 from Sewer Fund 41506, CIP No. 46-193.0, Annual Allocation - Sewer Pooled Contingency. This project is scheduled to be phase funded over FY 2003 to FY 2005. Funds of \$617,770 are available in Sewer Fund 41506 CIP-46-601.6, Sewer Pump Station 45 -Rehabilitation and funds of \$29,047 are available in Sewer Fund 41506, CIP-46-193.0, Annual Allocation -Sewer Pooled Contingency, for this purpose.

COST OF PROPERTY RIGHTS:

Value of the property rights to be acquired: \$143,600; title, escrow, and labor fees: \$56,400; Total \$200,000. Appraisal: \$143,600 for real property rights by Gary L. Rasmuson, MAI, of Rasmuson Appraisal Services, as of July 12, 2002.

Loveland/Belock/HR

WWF-03-647.

FILE LOCATION: CONT - Don Kelly Construction, Inc.; W.O. 174931

COUNCIL ACTION: (Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Gregory Evans Knoll Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1231) ADOPTED AS RESOLUTION R-297896

Recognizing Gregory Evans Knoll for his outstanding, selfless service to his profession and his fellow San Diegans;

Proclaiming April 23, 2003, to be "Gregory Evans Knoll Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: La Jolla High School Men's Basketball Team Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1232) ADOPTED AS RESOLUTION R-297897

Commending Coach Rle Nichols and the La Jolla High School Men's Basketball Team;

Proclaiming April 24, 2003, to be "La Jolla High School Men's Basketball Team Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: National Beach Safety Week.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1233) ADOPTED AS RESOLUTION R-297898

Proclaiming May 4 through May 10, 2003, as "National Beach Safety Week" in San Diego, and urging all residents to safely enjoy themselves at the beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: American Youth Soccer Organization (AYSO) Days.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1107)

ADOPTED AS RESOLUTION R-297899

Proclaiming May 23 - 26, 2003 as "American Youth Soccer Organization Days" in the City of San Diego.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-110: Proposal to Support/Oppose Certain 2003 State Legislation.

(See memorandum from Andrew Poat dated 3/28/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1236)

CONTINUED TO TUESDAY, MAY 6, 2003

Approving the recommendations contained in the Governmental Relations Department's March 28, 2003 report, with the following changes:

1. Change AB 136 from “Oppose” to “Watch”, until the City receives additional information.
2. Change ACA 10 from “Watch” to “Support as Priority.”
3. Add AB 361 as a “Watch.”
4. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
5. Change AB 1690 from “Support” to “Watch.”
6. Change AB 222 from “Support” to “Strong Support.”
7. Change SB 40 from “Support” to “Strong Support.”

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE’S
RECOMMENDATION:**

On 4/2/2003, Rules voted 3 to 0 to approve the recommendations contained in the Governmental Relations Department’s March 28, 2003 report with the following changes:

1. Take no position on AB 136 until we get further information (move from “Oppose” to “Watch”).
2. Support as a priority ACA 10 (move from “Watch” to “Support as Priority”).
3. Add AB 361 as a “Watch.”
4. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
5. Change AB 1690 from “Support” to “Watch.”
6. Indicate strong support for AB 222.
7. Indicate strong support for SB 40.

(Councilmembers Peters, Madaffer, and Mayor Murphy voted yea. Councilmember Inzunza not present. Councilmember Maienschein abstain.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:56 p.m. - 2:56 p.m.)

MOTION BY FRYE TO CONTINUE FOR ONE WEEK, AT THE REQUEST OF THE CITY MANAGER, FOR FURTHER REVIEW. STAFF IS DIRECTED TO PROVIDE

COUNCIL WITH AN INDEX THAT LISTS THE LEGISLATION AND THE PAGE NUMBER THAT IT CAN BE FOUND ON AND TO ENSURE THAT AB 361 IS INCORPORATED INTO THE REPORT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-111: Recommendation 8 Made by the Mayor's Blue Ribbon Committee on Budget and Finance: Operating Efficiencies.

(See City Manager Report CMR-03-058)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1235)

ADOPTED AS RESOLUTION R-297901

Supporting the City Manager's recommendations set forth in City Manager Report No. 03-058 to adopt the following proposals regarding the City pursuing operational efficiencies:

1. Continue to operate the Zero-Based Management Review process.
2. Continue to prioritize City Services giving deference to higher priority needs.
3. Continue to operate the Optimization Program.
4. Identify and optimize critical Citywide and cross-departmental functions.
5. Explore opportunities to create an innovation fund to pay for projects that show exceptional promise for improved efficiency.
6. Continue to review department business plans to identify opportunities for improved efficiency.
7. Continue to operate under the Labor-Management Partnership - Bid to Goal agreements in the Water and Wastewater Departments.
8. Look for additional opportunities to implement Bid to Goal in other areas of the City as appropriate and as funding permits.
9. Continue to operate the Performance-Based Budgeting Program.
10. Continue to publish the Citizens' Budget Document.

11. Continue to conduct appropriate benchmarking efforts.
12. Continue to conduct an annual Resident Satisfaction Survey.
13. Continue to publish the annual Service Efforts and Accomplishments document.
14. Continue to implement Citywide Automation Projects as appropriate and as funding permits.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 4/2/2003, RULES voted 5 to 0 (Councilmember Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea) to support the City Manager's recommendations set forth in CMR-03-058. Adopt the proposal regarding the City pursuing operational efficiencies.

1. Continue to operate the Zero-Based Management Review process.
2. Continue to prioritize City Services giving deference to higher priority needs.
3. Continue to operate the Optimization Program.
4. Identify and optimize critical Citywide and cross-departmental functions.
5. Explore opportunities to create an innovation fund to pay for projects that show exceptional promise for improved efficiency.
6. Continue to review department business plans to identify opportunities for improved efficiency.
7. Continue to operate under the Labor-Management Partnership - Bid to Goal agreements in the Water and Wastewater Departments.
8. Look for additional opportunities to implement Bid to Goal in other areas of the City as appropriate and as funding permits.
9. Continue to operate the Performance-Based Budgeting Program.
10. Continue to publish the Citizens' Budget Document.
11. Continue to conduct appropriate benchmarking efforts.
12. Continue to conduct an annual Resident Satisfaction Survey.
13. Continue to publish the annual Service Efforts and Accomplishments document.
14. Continue to implement Citywide Automation Projects as appropriate and as funding permits.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:28 p.m. - 5:33 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-112: Recommendation 9 Made by the Mayor's Blue Ribbon Committee on Budget and Finance: Budget Principles.

(See City Manager Report CMR-03-060.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1234)

ADOPTED AS RESOLUTION R-297902

Supporting the City Manager's recommendation in City Manager Report CMR-03-060, to adopt the following changes to the existing budget principles, as recommended by the Blue Ribbon Committee and proposed by the City Manager:

1. Follow the City's existing Budget Principles.
2. Revise Budget Principle No. 2 - The General Fund Reserve should be maintained at a minimum of 3% of General Fund revenues, with the goal of bringing General Reserves to a level that is 7% of General Fund revenues, which includes the goal of bringing the General Fund Reserve to 5% of General Fund revenues within ten years (by Fiscal Year 2014). The General Fund Reserve should be increased by at least 10% of any General Fund revenue increase in excess of 2% in any fiscal year in which General Fund revenues increase by more than 2% over the prior year budgeted revenues, until the 5% goal is achieved.
3. Add Budget Principle No. 7 - Budget development should be guided by a long term, or strategic budget plan proposed by the City Manager and adopted by the City Council.
4. Add Budget Principle No. 8 - Once adopted, annual budgets should be amended only when urgency requires, and then by identifying specific funding sources for these new priorities.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 4/2/2003, RULES voted 4 to 0 to support the City Manager's recommendations in CMR-03-060 to adopt the changes to the existing budget principles as recommended by the Blue Ribbon Committee and proposed by the City Manager:

1. Follow the City's existing Budget Principles.
2. Revise Budget Principle No. 2 - The General Fund Reserve should be maintained at a minimum of 3% of General Fund revenues, with the goal of bringing General Reserves to a level that is 7% of General Fund revenues, which includes the goal of bringing the General Fund Reserve to 5% of General Fund revenues within ten years (by Fiscal Year 2014). The General Fund Reserve should be increased by at least 10% of any General Fund revenue increase in excess of 2% in any fiscal year in which General Fund revenues increase by more than 2% over the prior year budgeted revenues, until the 5% goal is achieved.
3. Add Budget Principle No. 7 - Budget development should be guided by a long term, or strategic budget plan proposed by the City Manager and adopted by the City Council.
4. Add Budget Principle No. 8 - Once adopted, annual budgets should be amended only when urgency requires, and then by identifying specific funding sources for these new priorities.

(Councilmembers Peters, Maienschein, Inzunza and Mayor Murphy voted yea. Councilmember Madaffer not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:34 p.m. - 5:45 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-113: Nomination to the Centre City Development Corporation (CCDC) Board of Directors.

(See memorandum from Mayor Murphy dated 4/17/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1250)

ADOPTED AS RESOLUTION R-297903

Nominating for election to the Centre City Development Corporation (CCDC) Board of Directors:

NOMINEE

NOMINATED BY

Jennifer LeSar (Finance)

Mayor Dick Murphy

Harold "Gil" Johnson (Business-Finance)

Mayor Dick Murphy

Re-electing Jennifer LeSar and Harold "Gil" Johnson to the Centre City Development Corporation (CCDC) Board of Directors, for terms ending May 1, 2006.

FILE LOCATION:

MEET

COUNCIL ACTION:

(Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea (yea-for Mr. Johnson and abstain for Ms. Le Sar), Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Two actions related to Grading Activity on Sensitive Resources and Canyons.

(See City Manager Report CMR-03-071, CMR-01-274, & CMR-01-189; NR&C Actions dated 9/19/2001 & 5/16/2001; letter from Kevin J. Elliott dated 12/12/2001; letter from Todd Gillum dated 12/12/2001; letter from Bradford E.

Barnum dated 12/10/2001; letter from Dave Erickson dated 12/10/2001; letter from David A. Potter dated 12/10/2001; letter from Matthew J. Adams dated 12/10/2001; letter from Scott Michaelis dated 12/10/2001; memorandum from Tina Christiansen & Marcia K. Samuels dated 5/11/2001; memorandum from Chair Madaffer dated 5/4/2001; Grading Activity on Sensitive Habitat and Canyons.)

TODAY'S ACTIONS ARE:

Adopt the resolution in subitem A and introduce the ordinance in subitem B.

Subitem-A: (R-2003-1180) ADOPTED, WITH DIRECTIONS, AS
RESOLUTION R-297904

Directing the City Manager to continue implementing, as a priority, the following:

1. Pre-construction conferences.
2. Judicial enforcement actions for grading violations.
3. Assessing costs for field inspections, enforcement and monitoring services against the violators.
4. Enforcing Land Development Code provisions prohibiting future development permit processing until conclusion of enforcement actions.
5. Utilizing the Grading Violation Assessment Team as the “coordination vehicle” for handling grading violations.
6. Utilizing enforcement measures against all culpable parties and to the maximum extent allowed by law, including reporting grading violations to the California Contractor’s Licensing Board.

Directing the City Manager to implement the following:

7. Training workshops for the City’s Administrative Hearing Officers to include environmental and historical land regulations.
8. Developing an education outreach program.

9. Posting fines collected from enforcement action on the Neighborhood Code Compliance web page on a quarterly basis.
10. Implementing a new, on-line, web-based project tracking system.
11. Creating an Administrative Penalty Schedule for Violations regarding Environmentally Sensitive Lands, Historical Resources and Paleontological Resources.

Subitem-B: (O-2003-133) INTRODUCED, TO BE ADOPTED TUESDAY,
MAY 20, 2003

Introduction of an ordinance amending Chapter 1, Article 2, Division 8, of the San Diego Municipal Code by amending Sections 12.0803 and 12.0805, relating to administrative civil penalties.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/12/2001, NR&C voted 4 to 0 to accept the City Manager's recommendations except on the issue of defendants assets, liabilities and net worth to be decided by the City Council. Refer deletion of the word natural in the term natural hillside and the issue of geotechnical testing to the Land Use and Housing Committee for further review and recommendation. Direct staff to continue to work with Dave Potter and community members to refine proposals before final review and approval by the City Council. (Councilmembers Peters, Zucchet, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

FILE LOCATION: Subitem A: MEET; Subitem B: NONE

COUNCIL ACTION: (Time duration: 3:24 p.m. - 4:16 p.m.)

MOTION BY FRYE TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION APPROVING THE CITY MANAGER'S RECOMMENDATION AND TO EXPEDITE THE COUNCIL HEARING ON THE OTHER GRADING RECOMMENDATIONS ISSUED BY THE LU&H COMMITTEE ON MAY 29, 2002. IN AN EFFORT TO DEAL WITH THE TIMELINESS OF THE RESTORATION THAT WAS ADDRESSED BACK IN THE ORIGINAL REPORT THAT CAME FORTH AGAIN ON SEPTEMBER 19, 2001, THE CITY MANAGER IS DIRECTED TO DRAFT CRITERIA TO DETERMINE WHEN RESTORATION OF GRADING IS

COMPLETE AND BRING THOSE CRITERIA TO THE COUNCIL ALONG WITH THE OTHER LU&H GRADING RECOMMENDATIONS. STAFF IS DIRECTED TO FINALIZE THE LANGUAGE AND BRING FORWARD TO THE LAND USE AND HOUSING COMMITTEE AND THEN DIRECTLY TO THE CITY COUNCIL, REGULATIONS THAT APPLY OUTSIDE THE COASTAL ZONE AND PUT THOSE IN PLACE RIGHT AWAY AND THEN FOLLOWUP WITH THE REGULATIONS IN THE COASTAL ZONE THAT HAS TO GO TO THE COASTAL COMMISSION FOR FINAL APPROVAL, THEREBY ALLOWING A TIME SAVINGS OF APPROXIMATELY TWO TO THREE MONTHS OFF OF THE NORMAL PROCESS. ACCEPT COUNCIL MEMBER PETERS' RECOMMENDATION THAT CITY STAFF, KELLY BROUGHTON, INFORMS HIM AS SOON AS ITEMS ARE READY TO BE HEARD AT THE LAND USE AND HOUSING COMMITTEE, SO THAT PRIORITY IS GIVEN IN TERMS OF CALENDARING AND ISSUES CAN GET BACK TO THE COUNCIL AS SOON AS POSSIBLE. STAFF IS DIRECTED TO WRITE A TENTATIVE SCHEDULE OF THE MEETINGS AND INFORM THE CITY COUNCIL OF THE MEETINGS THAT DID NOT OCCUR AND THE REASON WHY. RECOMMEND THAT IN ORDER TO UNDERSTAND THE ISSUES THAT CAN BE HANDLED IMMEDIATELY, STAFF REVIEW THE WEDNESDAY, SEPTEMBER 19, 2001 MINUTES OF THE NR&C COMMITTEE, WHICH SPELS OUT THE ITEMS THAT WERE PASSED IN SEPTEMBER OF 2001. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchett-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Adoption of an Amendment to the Progress Guide and General Plan and the Sorrento Hills Community Plan.

Matter of approving, conditionally approving, modifying or denying the proposed amendment to the Progress Guide and General Plan and the Sorrento Hills Community Plan to change the name of the plan area from Sorrento Hills to Torrey Hills.

(Sorrento Hills Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1125)

ADOPTED, WITH CAVEAT, AS RESOLUTION
R-297905

Adoption of a Resolution approving the amendments to the Progress Guide and General Plan and Sorrento Hills Community Plan to change the community plan area name from Sorrento Hills to Torrey Hills.

OTHER RECOMMENDATIONS:

Planning Commission on October 24, 2002, voted 6 - 0 to approve; no opposition.

Ayes: Brown, Steele, Anderson, Lettieri, Chase, Garcia

Not present: Schultz

The Sorrento Hills Community Planning Board, on September 18, 2001, voted 9-1-0 to recommend that the community plan area name be changed from Sorrento Hills to Torrey Hills.

SUPPORTING INFORMATION:

On February 5, 2002, the City Council initiated a plan amendment to the Progress Guide and General Plan and the Sorrento Hills Community Plan to change the name of the plan area from Sorrento Hills to Torrey Hills (R-296044).

The "Sorrento Hills" name originates with the first community plan which was adopted in 1983. The 1983 community plan designated the majority of the community for industrial uses. The primary goal of the plan was to complement adjacent industrial land uses and serve as an employment center for the residential communities of north San Diego. The area was viewed as an extension of the industrially designated portion of the Torrey Pines community within Sorrento Valley to the west. Subsequent plan amendments in 1994, 1997 and 1998 have transformed the land uses in the community from an industrial employment center for the region into a predominately residential area.

The reference to the "Torrey Hills" name originates with the 1997 plan amendment processed concurrently with the Torrey Hills Planned Residential Development and Planned Industrial Development by the master developer of the community. The Torrey Hills subdivision consists of 79% of the land area of the community and is primarily residential. The developer and residents have used the Torrey Hills name in reference to this area. Consequently, the residents identify more with the name of Torrey Hills which they feel relates more to the nearby residential

communities of Torrey Pines and Carmel Valley than to the Sorrento Valley industrial area. At the request of the planning board the City Council initiated this plan amendment on February 5, 2002. The plan amendment proposes to change the name of the community plan area from Sorrento Hills to Torrey Hills. On October 24, 2002, the Planning Commission recommended approval by a vote of 6-0. All references in the plan to Sorrento Hills will be deleted and replaced with the new name. There are no other proposed changes to the text or graphics in the plan other than the name. The new name will be incorporated into future printed plans and all other documents and maps will be revised to reflect the new name.

FISCAL IMPACT:

Community Plan processing costs associated with staff time were included in the Planning Department work program for FY03 pursuant to City Council direction.

Ewell/Goldberg/ETN

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: LAND - Progress Guide and General Plan, Sorrento Hills, Adoption of an Amendment to the Progress Guide and General Plan and the Sorrento Hills Community Plan (10)

COUNCIL ACTION: (Time duration: 3:08 p.m. - 3:14 p.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTION APPROVING THE CITY MANAGER'S RECOMMENDATION, WITH THE CAVEAT THAT 1) THERE WILL BE NO CHANGE IN ANY ENTITLEMENTS AS A RESULT OF THIS ACTION; AND 2) THAT WE FIND THAT THIS ACTION IS NOT A PROJECT WITHIN CEQA FOR PURPOSES OF COMPLYING WITH THAT LAW. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

HEARING CLOSED, REFERRED TO CLOSED SESSION ON TUESDAY, APRIL 29, 2003

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on April 29, 2003.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 3:08 p.m. - 3:08 p.m.)

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Scripps Gateway Townhomes
Scripps Gateway Unit No. 2

COMMUNITY AREA

Miramar North Ranch
Miramar North

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-S400: Billy Paul Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1247)

ADOPTED AS RESOLUTION R-297906

Commending Billy Paul for his dedicated service and tireless work for the people of Clairemont and "America's Finest City";

Proclaiming May 5, 2003, in remembrance of his mother, to be "Billy Paul Day" in the City of San Diego.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 2:46 p.m. - 2:54 p.m.)

MOTION BY FRYE TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S401: Black Infant Health Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1229) ADOPTED AS RESOLUTION R-297907

Commending the Black Infant Health Program for their community involvement
and dedication to the women and children of the Fourth Council District;

Proclaiming April 26, 2003 to be "The Black Infant Health Day" in the City of San
Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:57 p.m. - 3:06 p.m.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the
following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea,
Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S402: Chief David Bejarano Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1304) ADOPTED AS RESOLUTION R-297908

Proclaiming April 28, 2003 to be “Chief David Bejarano Day” in the City of San Diego.

COUNCIL ACTION: (Time duration: 2:14 p.m. - 2:26 p.m.)

COUNCIL ACTION: (Time duration: 5:46 p.m. - 5:54 p.m.)